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Roots Ready Made Garments Co. W.L.L.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ROOTS READY MADE GARMENTS CO.
W.L.L.,

Plaintiff,

v.

THE GAP, INC., a/k/a, GAP, INC., GAP
INTERNATIONAL SALES, INC., BANANA
REPUBLIC, LLC, AND OLD NAVY, LLC,

Defendants.

Case No: C 07 3363 CRB

**PLAINTIFF'S OBJECTIONS TO
EVIDENCE SUBMITTED BY
DEFENDANTS IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT**

Date: August 29, 2008
Time: 10 o'clock a.m.
Place: Courtroom 8, 19th Floor
Judge: Charles R. Breyer

Trial Date: October 6, 2008

Plaintiff Roots Ready Made Garments Co. W.L.L. (“Roots”) hereby objects to the following evidence presented by Defendants The Gap, Inc., Gap International Sales, Inc., Banana Republic, LLC, and Old Navy, LLC in connection with their Motion for Summary Judgment set for hearing on August 29, 2008 before this Court.

I. OBJECTIONS TO THE DECLARATION OF REBEKAH PUNAK

Objectionable Evidence	Grounds for Objection
Ex. 1: 110:13-16	Hearsay. Fed. R. Evid. 802
Ex. 1: 123:5-19	Improper lay opinion. Fed. R. Evid. 701 Questions improperly seek inadmissible testimony from a lay witness concerning legal conclusions.
Ex. 1: 135:20-136:2	Improper lay opinion. Fed. R. Evid. 701 Mr. Abu Issa’s testimony concerning legal conclusions is inadmissible.
Ex. 2: 96:8-15	Improper lay opinion. Fed. R. Evid. 701 Question improperly seeks testimony from lay witness regarding legal conclusions.
Ex. 4: 25:3-20	Improper lay opinion. Fed. R. Evid. 701 Question improperly seeks testimony from lay witness regarding legal conclusions.
Ex. 4: 33:18-35:1	Improper lay opinion. Fed. R. Evid. 701 Question improperly seeks testimony from lay witness regarding legal conclusions.
Ex. 4: 48:23-49:3	Improper lay opinion. Fed. R. Evid. 701 Question improperly seeks testimony from a lay witness regarding a legal conclusion.
Ex. 4: 53:22-54:4	Lack of foundation. Fed. R. Evid. 602 Improper lay opinion. Fed. R. Evid. 701
Ex. 4: 59:23-60:4	Best evidence rule. Fed. R. Evid. 1002. Improper lay opinion. Fed. R. Evid. 701.
Ex. 4: 60:20-61:10	Best evidence rule. Fed. R. Evid. 1002 Improper lay opinion. Fed. R. Evid. 701.
Ex. 4: 100:24-101:12	Best evidence rule. Fed. R. Evid. 1002. Lack of foundation. Fed. R. Evid. 602.
Ex. 4: 141:9-15	Improper lay opinion. Fed. R. Evid. 701 Question improperly seeks testimony from a

	lay witness regarding a legal conclusion.
Ex. 4: 154:22-155:17	Improper lay opinion. Fed. R. Evid. 701. Question improperly seeks testimony from a lay witness regarding a legal conclusion.
Ex. 4: 168:24-169:5	Improper lay opinion. Fed. R. Evid. 701. Question improperly seeks testimony from a lay witness regarding a legal conclusion.
Ex. 18: 88:5-89:12	Improper lay opinion. Fed. R. Evid. 701. Question improperly seeks testimony from a lay witness regarding legal conclusions.

II. OBJECTIONS TO DECLARATION OF DAN JACKSON

Ex. A: 84:21-86:2, 94:13-95:5	Improper lay opinion Fed. R. Evid. 701 Question improperly seeks testimony from a lay witness regarding legal conclusions.
Ex. D: 40:22-25	Improper lay opinion. Fed. R. Evid. 701 Question improperly seeks testimony from a lay witness regarding legal conclusions. Gap mischaracterizes Mr. Abu Issa's testimony. At his 6/6/08 deposition, Mr. Abu Issa clarified that the termination of the Gap-Gabana ISP agreement "[did] not affect the Gap-Roots agreement." See Nash Decl. Ex. 4, 17:8-15.

Dated: August 29, 2008

COVINGTON & BURLING LLP

/S/ Richard A. Jones

Richard A. Jones

Attorneys for Plaintiff

Roots Ready Made Garments Co. W.L.L.